

UNITED STATES OF AMERICA
Before the
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Periodic Reporting

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Docket No. RM2003-3

OFFICE OF THE CONSUMER ADVOCATE
ANSWER IN OPPOSITION TO POSTAL SERVICE
MOTION FOR FURTHER DELAY
(June 20, 2003)

The Office of the Consumer Advocate ("OCA") hereby opposes the June 6 Motion of United States Postal Service for Further Extension of Time to File Comments. As of the date of filing of the instant pleading, the Postal Service has successfully retarded progress in this docket for five and one-half months. Enough is enough. The Chinese motion torture must cease.

On January 8, 2003, the Commission issued Order No. 1358, in which it proposes to amend its periodic reporting rules in 39 C.F.R. §3001.102 ("Rule 102"). The proposed amendments are intended to update Rule 102 (filing of reports) to capture changes in the Postal Service's standard data reports, to collect more complete data, to make the filed data easier to use, and to obtain the information in an electronic format. New reporting requirements would include the filing of the Postal Service's updated workpapers documenting the CRA data to show the Postal Service's current distribution of attributable mail processing costs using MODS cost pools, together with comprehensive spreadsheet workpapers calculating attributable costs by cost component. The documentation is the equivalent of the "B" workpapers provided by the

Postal Service in a general rate proceeding. The early availability of this information through periodic reporting will be extremely useful to the OCA and other parties to Commission proceedings reviewing rate and classification filings and will facilitate data review during those proceedings.

The June 6 motion represents the fourth attempt by the Postal Service to stonewall this rulemaking. That motion also offers the fourth *different* lame excuse for delay.¹ The Commission can no longer give credence to the Postal Service's excuses. Consider, for example, how believable the current excuse would have appeared if it had been offered first instead of last. The Service now argues that it should be permitted to conceal from the Presidential Commission its desire to withhold information that would allow the Commission and outside parties to better evaluate the Service's performance between rate cases. If the Service had made its desire known back in February, when it began its campaign to sideline this rulemaking, the Commission could have rejected the Service's argument and proceeded to issuance of a final rule long before now.

The OCA's obvious annoyance with the Postal Service's delay arises from the Service's use of the pending rulemaking to deny the OCA access to new data sets related to mail processing cost variability. In contradiction to offers made at last summer's Ratemaking Summit, the Service has refused to respond positively to an

¹ See Initial Comments of the United States Postal Service, February 10, 2003, at 4 (Postal Service seeks delay in filing *any* comments while it discusses with Commission staff problems related to potential burden imposed by *some* revisions); Motion of United States Postal Service for Extension of Time to File Comments, April 2, 2003, at 2 (Postal Service cites "the schedules of key staff, officers, and the Board of Governors" as reasons for delay); Motion of United States Postal Service for Further Extension of Time to File Comments, May 8, 2003 (Postal Service states that "additional time is needed in order for the Board to complete its consideration of the proposed rule."); Motion of United States Postal Service for Further Extension of Time to File Comments, June 6, 2003, at 3 (Postal Service cites "inquiries of the President's Commission on the United States Postal Service" as justification for declining to reveal its views on the proposed rules).

informal request from the OCA for the mail processing data sets. Until now, the OCA has accepted the Postal Service's requests for delay in good faith. However, the latest request for delay cannot be so accepted. The Postal Service's views on the desirability of the proposed rules should be independent of the views of the Presidential Commission. If the Presidential Commission's recommendations ultimately do relate to the extent or burden of the proposed rules, the Rate Commission is capable of taking those recommendations into account. The Service's dilatory behavior is a clear indication that it has no intention of cooperating with either the Commission or outside parties in making its performance more transparent. The Presidential Commission should take note of this fact while deliberating on its recommendations for reform.

Lest there be any doubt as to the Postal Service's objectives, consider the list of orders issued by the Commission in this proceeding. Every order has been in response to a Postal Service request for delay. Not one of these orders has advanced this proceeding toward conclusion.

6/12/2003 Order No. 1375 - Order Lengthening the Time for Answers to the Postal Service Motion to Further Extend

5/19/2003 Order No. 1371 - Order Granting Postal Service Motion to Further Extend Date for Filing Comments

4/8/2003 Order No. 1367 - Order Granting Postal Service Request to Extend the Date for Comments

3/14/2003 Order No. 1363 - Notice Setting Date for Postal Service Comments and Public Reply Comments

3/5/2003 Order No. 1361 - Notice That An Informal Technical Conference Has Been Scheduled and the Dates for Comments and Reply Comments Are Deferred

2/12/2003 Order No. 1360 - Order Authorizing Scheduling of Informal Technical Conference

1/8/2003 Order No. 1358 - Notice of Proposed Rulemaking to Revise the
Commission's Periodic Reporting Rule

Wherefore, OCA respectfully requests that the Commission

- (1) deny the Postal Service motion for further delay,
- (2) set July 7 as a deadline for the Service's comments, and
- (3) proceed to adopt amended periodic reporting requirements as soon as possible.

Respectfully submitted,

Emmett Rand Costich
Attorney

Shelley S. Dreifuss
Director
Office of the Consumer Advocate

1333 H Street, N.W.
Washington, D.C. 20268-0001
(202) 789-6830; Fax (202) 789-6819